THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.24404 of 2005

Dated 30-11-2005

Between:

B.Shiva Kumar

Hyderabad

…Petitioner

and

…Respondents

State Bank of Hyderabad,

Gunfoundry, Hyderabad and others

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.24404 of 2005

ORDER:

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The petitioner was engaged as worker for upkeepment and maintenance of the Branch of the State Bank of India, at Hi-tech City, Hyderabad. Petitioner states that he has been continuing as such, since 2000, but was abruptly discontinued with effect from
22-06-2005. He submits that he has not been issued any notice of discontinuance, and claims that the action of the respondents cannot be sustained.

Petitioner has placed before this Court the proceedings, through which he has been paid the salary, and accorded permission to enter the premsies.

Sri T.P.Acharya, learned counsel for the petitioner submits that the action of the

respondents in discontinuing the services of the petitioner cannot be sustained in law. Sri G.Vidyasagar, learned counsel for the 1st respondent, on the other hand, submits that the engagement of the petitioner was only as a stop-gap arrangement, and no rights can be said to have accrued to him. He contends that the petitioner has an alternative remedy by way of raising an Industrial Dispute.

It is true that the petitioner has placed some copies of certain correspondence, to show that there has been engagement by the respondents. However, it is dificult for this Court to record any finding, as to the nature of engagement of the petitioner, the period thereof, and terms and conditions of such engagement. The petitioner can avail the remedy under Section
2-A of the Industrial Disputes Act.

Accordingly the writ petition is disposed of, leaving it open to the petitioner to work out his remedies under the Industrial Disputes Act. It is, however, directed that, notwithstanding the right of the petitioner to raise an industrial dispute, in case the respondents engage any individuals for the same functions, which were being discharged by the peitioner, the case of the petitioner shall also be considered. There shall be no order as to costs.

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L. NARASIMHA REDDY, J

Dt.30-11-2005

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